



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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[www.morgantownwv.gov](http://www.morgantownwv.gov)

August 21, 2014

Ann DiMarco  
91 Grandview Avenue  
Morgantown, WV 26501

**RE: CU14-09 / Ann DiMarco / 91 Grandview Avenue  
Tax Map 41, Parcel 57**

Dear Ms. DiMarco:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition for conditional use of a "Class 2 Home Occupation" located at 91 Grandview Avenue. The decision is as follows:

**Board of Zoning Appeals, August 20, 2014:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU14-09 as requested with the following conditions:
  - a. That clients visiting the petitioner's Class 2 Home Occupation use must, to the greatest extent practicable, park their vehicles on the petitioner's property in existing off-street parking spaces accessed from Grandview. The adherence with and monitoring of this condition shall rely upon the review, suspension, and revocation provisions provided in Article 1331.06(2)(d)(i) of the Planning and Zoning Code.
  - b. That services may only be offered at the petitioner's Class 2 Home Occupation Mondays through Fridays; specifically 10:00 AM to 5:00 PM on Mondays and Thursdays, 10:00 AM to 7:00 PM on Tuesdays and Wednesdays, and 10:00 AM to 4:00 PM on Fridays. The adherence with and monitoring of this condition shall rely upon the review, suspension, and revocation provisions provided in Article 1331.06(2)(d)(i) of the Planning and Zoning Code.
  - c. That customer visits shall, to the greatest extent practicable, be limited to one arrival and one departure per visit. The adherence with and monitoring of this condition shall rely upon the review, suspension, and revocation provisions provided in Article 1331.06(2)(d)(i) of the Planning and Zoning Code.
  - d. That there must be at least 30 minutes between visitor departure and the next visitor's arrival. The adherence with and monitoring of this condition shall rely upon the review, suspension, and revocation provisions provided in Article 1331.06(2)(d)(i) of the Planning and Zoning Code.
  - e. That the petitioner shall meet all related supplemental regulations specified in Article 1331.06(2) et seq. of the Planning and Zoning Code.

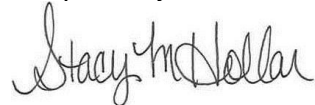
- f. That the conditional use approval granted herein is specific to the petitioner and may not be transferred without prior approval by the Board of Zoning Appeals.
- g. If the petitioner, as the sole beneficiary of this conditional use approval, wishes to make changes in the conduct of the business that departs from the description in the application or from any conditions or restrictions imposed by the Board of Zoning Appeals, the holder must obtain prior approval of the Board of Zoning Appeals. Changes include, but are not limited to, days and/or hours of operation, group therapy services, etc.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

A handwritten signature in cursive script, appearing to read "Stacy Hollar".

Stacy Hollar  
Executive Secretary  
shollar@cityofmorgantown.org

**ADDENDUM A – Approved Findings of Fact**  
**CU14-09 / Ann DiMarco / 91 Grandview Avenue**

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**Finding of Fact No. 1** – The home occupation will be compatible with residential uses of the dwelling, in that:

The petitioner states that the home office will occupy the front room and hallway of the house. This part will be separated from the rest of the house by 2 wooden folding doors. An enclosed front porch will act as a waiting room, accessible from the street. There will be an entry bell. Shades and 2 white noise machines will assure privacy. Downstairs bathroom is available at request during the hours of operation, the house is empty.

**Finding of Fact No. 2** – The home occupation will not change the residential character of the dwelling, in that:

The petitioner states that there will be no big, noticeable changes to the character of the dwelling. The enclosed porch will have less clutter and be used mainly for sitting. The furniture in the office is not out of character for use in a residential dwelling, which includes filing cabinets, bookcases, and a table, are already in the room and another bookcase type piece in the hallway will be used for storage, and I have a laptop computer, printer/copier, and paper shredder.

**Finding of Fact No. 3** – The home occupation will not detract from the residential character of the neighborhood, in that:

The petitioner states that the residential character of the neighborhood will be intact. There will be no changes to the exterior of the house or outside grounds. There will be no additional delivery trucks, etc. required for the business.

**Finding of Fact No. 4** – Congestion in the streets will not be increased, in that:

The petitioner's business operations do not appear to result in a discernable increase in daily traffic that is customary to any residential neighborhood. There appears to be sufficient parking spaces on the petitioner's property to mitigate on-street parking congestion.